

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR**

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.13980 of 2002

Between:

M/s Radhika Silk Mills Pvt.Ltd.,
Shamshabad,R.R.Dist
rep. by Managing Director Mr.Rajesh Kumar,
Aged 42 yrs S/o Late Tekchand Agarwal
R/o.H.No.3-5-796,Flat No.501,
5th Floor, Mahaveer Apartments,
Koti, Hyderabad

..... PETITIONER

AND

1 The Member Secretary,
A.P., Pollution Control Board,
2nd Floor, HUDA Complex,
Mythrivanam, S.R. Nagar,
Hyderabad
2 SEE Task Force,

A.P. Pollution Control Board,
2nd Floor, HUDA Complex,
Mythrivanam,
S.R. Nagar, Hyderabad
3 The Regional Officer,
A.P. Pollution Control Board,
2nd Floor, HUDA Complex,
Mythrivanam, S.R. Nagar,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, or order or direction, directing the action of the respondents in passing the Closure of the petitioner Industry by its order No.CA 368-373/PCB/TF-HYD/2002-270 dated 5-7-2002 as arbitrary, illegal, and unconstitutional and permit the petitioner to run the business and pass such other order or orders as this Hon'ble Court may deem fit and proper.

For the Petitioner :MR.BOMMANA RAMAKRISHNA, Advocate .

For the Respondents :MR. S.V. Bhatt, standing counsel.

The Court Made the Following :

ORDER: (Per Hon'ble the Chief Justice)

Petitioner questioned the legality and validity of the order dated 05th July, 2002 issued by the respondents directing it to close the industry. On 24-10-2002, learned

single Judge suspended the operation of the order on the ground that respondents had allowed ten other industries which were situated within 10 Kilometre radius of Himayatsagar and Osman Sagar lakes.

Learned standing counsel for A.P. Pollution Control Board states that a High Powered Committee has been constituted to go into the feasibility of each industry within a radius of 10 Kms of Himayat Sagar and Osman Sagar lakes and action will be taken pursuant to the report of the High Powered Committee.

Having regard to the submission of the standing counsel for the A.P. Pollution Control Board, we would direct that the case of the petitioner industry be placed before the High Powered Committee for being considered at par with other industries and as a result of the report of the High Powered Committee, whatever action if any is required to be taken, it will be open to respondents to pass appropriate orders afresh in accordance with law. This order we are passing in view of the fact that the petitioner has been running its industry pursuant to the interim order of this Court.

The writ petition is thus disposed of. No costs.

DEVINDER GUPTA, C.J.

G.ROHINI, J

07-07-2004

bsc

To

1 The Member Secretary,
A.P., Pollution Control Board,

2nd Floor, HUDA Complex,

Mythrivanam, S.R. Nagar,

Hyderabad

2 SEE Task Force,
A.P. Pollution Control Board,

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